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Attorneys for Plaintiffs
EHDER SOTO, HENEY SHIHAD and the
Proposed Class

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EHDER SOTO, individually and on behalf
of all others similarly situated,

Plaintiff

vs.

WILD PLANET FOODS, INC.,

Defendant.

HENEY SHIHAD, an individual on behalf
of himself and all others similarly situated,

Plaintiff

vs.

WILD PLANET FOODS, INC. and DOES
1 through 25, inclusive.

Defendants.

Case No. 5:15-cv-05082-BLF

**JOINT STIPULATION RE CASE
MANAGEMENT CONFERENCE**

Judge: The Hon. Beth Labson Freeman

Complaint Filed: November 5, 2015
Trial Date: None Yet Set

Case No. 1:16-cv-01478-BLF

Judge: The Hon. Beth Labson Freeman

Complaint Filed: March 25, 2016
Trial Date: None Yet Set

RECITALS

A. On November 5, 2015, Plaintiff EHDER SOTO commenced an action entitled *Soto v. Wild Planet Foods, Inc.* (United States District Court, Northern District of California, Case No. 5:15-cv-05082-BLF) (the “Soto Action”), as a proposed class action, asserting claims for breach of express warranty, breach of the implied warranty of merchantability, unjust enrichment, violation of California’s Consumers Legal Remedies Act (“CLRA”), violation of California’s Unfair Competition Law (“UCL”), violation of California’s False Advertising Law (“FAL”), negligent misrepresentation, breach of the implied warranty of fitness for a particular purpose, and fraud.

B. On September 16, 2016, a First Amended Complaint was filed in the Soto Action that removed the claim for breach of the implied warranty of fitness for a particular purpose and that added a damages claim under the CLRA.

C. Wild Planet Foods, Inc. (hereinafter “WP”) is the sole Defendant in the Soto Action.

D. On March 25, 2016, Plaintiff HENEY SHIHAD commenced an action entitled *Shihad v. Wild Planet Foods, Inc.* (United States District Court, Northern District of California, Case No. 1:16-cv-01478-BLF) (the “Shihad Action”), as a proposed class action, asserting claims for violations of California Unfair Competition Law, California False Advertising Law, breach of express warranty, breach of the implied warranty of merchantability, fraud and negligent misrepresentation.

E. WP is the sole Defendant in the Shihad Action.

F. The Soto Action and the Shihad Action are referred to herein collectively as the “Actions”. Ehder Soto and Heney Shihad are referred to collectively herein as the “Class Representatives”.

G. On April 5, 2016, the Court ordered the Actions related [Docket No. 24].

1 G. On December 23, 2016, a Stipulation for Class Action Settlement was
2 filed regarding the Actions [Docket No. 44].

3 H. On February 2, 2017, a Motion for Preliminary Approval of Class Action
4 Settlement was filed [Docket No. 45], which motion is presently on calendar for
5 hearing on May 11, 2017.

6 I. There is a Case Management Conference on calendar for March 23, 2017
7 regarding the Actions. In light of the settlement, the Parties believe that it is
8 appropriate to take the Case Management Conference off calendar pending an
9 outcome on the Motion for Preliminary Approval.
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STIPULATION

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4 1. Plaintiffs Ehder Soto and Heney Shihad and Defendant Wild Planet
5 Foods, Inc., by and through their undersigned counsel of record, hereby
6 STIPULATE and agree that the Case Management Conference set for March 23,
7 2017 in this matter be taken off calendar pending an outcome on the Motion for
8 Preliminary Approval of Class Action Settlement.

9 2. The Parties hereby respectfully request the Court take the March 23,
10 2017 Case Management Conference off calendar.

11 **IT IS SO STIPULATED.**

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13 DATED: March 13, 2017

/s/ Reuben D. Nathan

Reuben D. Nathan

NATHAN & ASSOCIATES, APC

*Attorneys for Ehder Soto and Heney Shihad
and the Putative Settlement Class*

17
18 DATED: March 13, 2017

/s/ L. Timothy Fisher

L. Timothy Fisher

BURSAR & FISHER, PA

*Attorneys for Ehder Soto and Heney Shihad
and the Putative Settlement Class*

21
22 DATED: March 13, 2017

/s/ Joseph V. Mauch

Joseph V. Mauch

SHARTSIS FRIESE LLP

Attorneys for Wild Planet Foods, Inc.